



UTAH STATE
FAIRPARK

BOARD OF DIRECTORS MEETING

SEPTEMBER 8, 2016



Board of Directors Monthly Review

September 8th, 2016

Executive Summary:

1. July/August Events:

- The Warp tour stop was a big success, attendance was up 30% over prior year. 10K in 2015 13.2K in 2016. The event organizer informed us the Utah State Fairpark is the number one venue on the tour, as voted on by the musicians! Subsequently it was announced that the Fairpark was selected to host next year's tour kick off concert. This will generate tremendous attention for the Fairpark. **Gross revenue \$67,520.51**
- Reggae Rise up concert, the event relocated to the Fairpark from Liberty Park. The event drew slightly over 8K people. Beverage and parking exceeded expectations. **Gross revenue \$30,366.00**
- Beer Festival; the beer festival is owned by City Weekly Magazine and was previously held at library square. Attendance was up over prior year however the event organizer hasn't shared with us the exact percentage. Unfortunately we suffered a few I.T glitches that impacted customer service during that has since been resolved. The event was a "cashless" event that required patrons to purchase credits on their RFD wrist bands to make Purchases. Unfortunately they overlooked that patrons could order additional credits on their smart phone in addition to the strategically placed kiosks throughout the park. Regardless of where the consumers point of purchase took place the data was directed back to the server which created a traffic jam of data. **Gross Revenue &15,226.00**
- **Total Gross revenue for all three events: 113,113.00**

2. Transparency in Government audit 2015 (independent State Entity Audit)

- A limited performance audit was performed by the State Auditor's Office confirming the Fairpark's compliance with Utah "Open and public Meeting Act" (see attachment) Several deficiencies were discovered that have since been corrected.
 1. Only 33% of our board meetings met the 24 hour advanced notice requirement. This advanced notice requirement is intended to inform the public allowing them to attend our board meetings.
 2. We failed to post all the required information 50% of the time. Agenda, date, time, place.
 3. We failed to post the minutes from our board meetings within 3 business days 0% of the time.
 4. We failed to comply with statutory requirements that the "start time of the meeting be included 100% of the time.
 5. Attendance was reported correctly only 28% of the time.
 6. We failed to report individual board member voting results 100% of the time.
 7. We failed to post the audio recordings 27% of the time and we failed to post these audio recordings within 3 business days 100%

We have corrected all of the deficiencies regarding statutory compliance and have arranged for Michael Green to provide the Board with transparency training "today.

*Note: The Retirement and Independent Entities Interim Committee has scheduled a hearing for September 14th at 1:00PM. The purpose of the hearing is to review the audit findings for all state entities. I will represent the Fairpark at the hearing.

3. Other Item's update:

- a. Relocate new department of Agriculture building to the Fairpark. A committee was formed to assist the design team, I represent the Fairpark. I have only attended one meeting and do not have much to report however going forward I will email each of you regular updates.
- b. Tracy Aviary; We met this past Tuesday and walked the site with their "Chairman" the tour was very positive and they would like to meet again after the fair to discuss next steps. Very positive!
- c. Real-estate purchase opportunity east of White Ball park...the property is under contact and not an option at this time.

FAIR: here we go day one!

- Ground breaking scheduled for 6:00PM this evening.

Warp Tour	
Rent	\$29,572.36
Concessions	\$30,958.14
Parking	\$6,990.01
Total	\$67,520.51

Regee	
Rent	\$9,625.00
Concessions	\$10,500.50
Parking	\$10,241.00
Total	\$30,366.50

Beer Fesitval	
Rent	\$10,770.00
Concessions	\$0.00
Parking	\$4,456.00
Total	\$15,226.00

Grand Total	\$113,113.01
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OFFICE OF THE
UTAH STATE AUDITOR

July 6, 2016

The Office of the Utah State Auditor conducted *A Limited Performance Audit of Independent State Entity Transparency* and presents its findings and recommendations herewith. As part of this review, we reviewed nine independent state entities' compliance with the state's *Open and Public Meetings Act* (OPMA). Specifically, we assessed entity compliance with reporting requirements for public meeting notices, meeting minutes, meeting recordings, and OPMA training.

Compliance with OPMA increases independent state entity transparency and accountability to stakeholders and encourages proper oversight. Several independent state entities regularly do not comply with aspects of OPMA, as demonstrated in this audit report. We make seven recommendations to independent state entities to increase compliance with OPMA to ensure the proper degree of transparency and accountability.

Sincerely,

Office of the Utah State Auditor

Director:	David Pulsipher, CIA, CFE
Audit Staff:	Rachel Dyer, MPA
	Taylor Mosolf, JD

Background

Utah has 10 independent state entities that are subject to OPMA.¹ Each of these entities is established in statute and serves a wide range of public interests, including mortgage lending, administration of public trust lands, and industry promotion, among others.

Each independent entity is overseen by a board, and most have a corresponding office and employees to carry out their legislated purpose. These entities' operations vary in size, as reflected in the size of their budgets and office employment. Figure 1 summarizes background information for each of the independent entities reviewed.

Figure 1 Summary Of Independent Entities Subject To OPMA

Entity Name	Year Created	Board Size	FY 2016 Budget (in millions)	Employees
Dairy Commission	1979	13	\$2.7	6 Full-Time, 15 Part-Time
Heber Valley Historic Railroad Authority	2010	8	\$1.3	1 Full-Time
Military Installation Development Authority	2007	7	\$1.7	2 Full-Time
School and Institutional Trust Fund	2014	5	\$0.9	3 Full-Time
School and Institutional Trust Lands Administration	1993	7	\$17.7	85 Full-Time
Utah Energy Infrastructure Authority ²	2009	9	N/A	None
Utah Housing Corporation	1975	9	\$10.2	93 Full-Time, 2 Part-Time
Utah State Fair Corporation	1995	13	\$4.7	7 Full-Time, 6 Part-Time
Utah State Railroad Museum Authority	2010	12	\$0.1	None

Source: OSA Analysis

OPMA's stated purpose is to ensure that "the state, its agencies, and its political subdivisions: (a) take their actions openly; and (b) conduct their deliberations openly."³ OPMA details specific requirements that public bodies must adhere to when conducting public meetings, which

¹ The Utah Communications Authority (UCA) was recently reviewed by the Office of the State Auditor and was not included in this review. UCA's level of compliance with OPMA can be found in OSA's 2016 report, *A Performance Audit of Utah Communications Authority Financial Management And Transparency*.

² The Utah Energy Infrastructure Authority Board last met on January 22, 2015, and has undergone restructuring in its organization. As such, they have no employees and have not met since January 2015.

³ UT Code 52-4-102.

include requirements for meeting notices, minutes, recordings, closed meetings, and annual board member OPMA training. OPMA relies on the Utah Public Notice Website (UPNW)⁴, which is administered by Utah State Archives, to act as the central repository for meeting notices, minutes, and recordings.

We reviewed independent state entities subject to OPMA for compliance with four aspects of compliance: meetings notices, meeting minutes, meeting recordings, and annual OPMA training.

Multiple Independent State Entities Failed to Provide Notice of Meetings

To notify stakeholders and the public, OPMA has specific notice requirements detailing the timing, content, and location of meeting notices. One of these requirements is that the public must be given at least 24 hours' notice prior to an entity holding a board meeting, except in emergency situations, and this notice must be posted on the UPNW.⁵ While most independent state entities provided timely notice for all meetings held in 2015, both the Dairy Commission⁶ and Heber Valley Historic Railroad Authority did not provide statutorily required public notices for any of their meetings held in 2015.

Heber Valley Historic Railroad Authority was able to provide written minutes for seven meetings held in 2015, none of which were publicly noticed. Staff also indicated that the Heber Valley Historic Railroad Authority may have conducted other meetings in 2015, which lacked the necessary documentation to comply with OPMA. Staff did not respond to multiple inquiries regarding these additional possible meetings, or provide the corresponding meeting notices, minutes, or recordings.

One-third of Dairy Commission meetings occurred in other states in 2015. The Dairy Commission held six meetings in 2015, but did not provide notice in the locations as required by OPMA. Instead meetings were noticed in their newsletter, which is sent to dairy producers in the state. The Dairy Commission's minutes also reflect that two board meetings in 2015 were held outside of Utah, one in Arizona and one in Florida, which effectively does not allow the public to attend. The Dairy Commission should refrain from conducting inaccessible meetings out of state.

Figure 2 shows how each board complied with the OPMA 24-hour notice requirement.

⁴ <http://www.utah.gov/pmn/index.html>

⁵ UT Code 52-4-202.

⁶ The Dairy Commission oversees an office called the Dairy Council of Utah and Nevada. The Dairy Council of Utah and Nevada has a board of directors that includes the members of the Dairy Commission, as well as members that are not defined in the Dairy Commission's enabling statute. All documents used in this report reflect meetings held by the Dairy Council of Utah and Nevada.

Figure 2 24-Hour Notice Requirement Compliance (percent compliant)

Entity Name	Number of Meetings Held	Notices Posted to UPNW	24-Hour Notice Given
Dairy Commission	6	0.0%	0.0%
Heber Valley Historic Railroad Authority	7	0.0%	0.0%
Military Installation Development Authority	6	100%	100%
School and Institutional Trust Fund	13	100%	100%
School and Institutional Trust Lands Administration	13	100%	100%
Utah Energy Infrastructure Authority	1	100%	100%
Utah Housing Corporation	7	100%	85.71%
Utah State Fair Corporation	12	100%	33.33%
Utah State Railroad Museum Authority	6	83.33%	83.33%

Source: OSA Analysis

Boards for only three entities—the Dairy Commission, Heber Valley Historic Railroad Authority, and the Utah State Railroad Museum Authority did not post meeting notices to the UPNW, as reflected in Figure 2. While boards for the Utah State Fair and the Utah Housing Commission posted notices to the UPNW, they did not always provide notice within statutory timeframes. Six of the eight untimely notices for the State Fair Board were posted *after* the individual board meetings were held.

Failure to notify stakeholders and the public, or notifying them after the meeting has occurred, does not allow for meeting participation, and does not meet the intent of OPMA.

In addition to posting notices on the UPNW, OPMA also requires these entities to post notice of each meeting at the principal office of the body, and in a statewide newspaper or media correspondent.⁷ Due to the impermanent nature of manual postings we were not able to verify if this occurred for each instance.

Most entities' meeting notices included required information. In addition to the 24-hour posting requirement, OPMA also requires each posted notice to include the agenda, date, time, and location of the meeting.⁸ Figure 3 shows each board's compliance with OPMA meeting notice informational requirements.

⁷ UT Code 52-4-202(3)(a).

⁸ UT Code 52-4-202(1)(b).

Figure 3 Meeting Notice Requirements Compliance (percent compliant)*

Entity Name	Total Meetings	Agenda	Date	Time	Location
Dairy Commission	6	0.0%	0.0%	0.0%	0.0%
Heber Valley Historic Railroad Authority	7	0.0%	0.0%	0.0%	0.0%
Military Installation Development Authority	6	100%	100%	100%	100%
School and Institutional Trust Fund	13	100%	100%	100%	100%
School and Institutional Trust Lands Administration	13	100%	100%	100%	100%
Utah Energy Infrastructure Authority	1	100%	100%	100%	100%
Utah Housing Corporation	7	85.7%	85.7%	85.7%	85.7%
Utah State Fair Corporation	12	50.0%	50.0%	50.0%	50.0%
Utah State Railroad Museum Authority	6	83.3%	83.3%	83.3%	83.3%

* These figures reflect that information which was posted on the UPNW before board meetings were held.

Source: OSA Analysis

Only four of the nine entities reviewed complied with all aspects required on meeting notices in 2015.

Majority of Independent State Entity Boards Did Not Upload Meeting Minutes Within Required Period

OPMA requires state entities to upload meeting minutes to the UPNW within three business days of approval.⁹ The majority of independent state entities did not upload any of their written minutes of board meetings within three days of approval, despite the statutory requirement to do so. Boards for four independent state entities, the Dairy Commission, Heber Valley Historic Railroad Authority, the Utah Energy Infrastructure Authority, and the Utah State Railroad Museum Authority, did not post any meeting minutes for 2015 on the UPNW despite holding a combined total of at least 20 meetings during that year.

Figure 4 shows each board's compliance rate with OPMA meeting minutes posting requirements.

⁹ UT Code 52-4-203(4)(e)(ii).

Figure 4 Meeting Minutes Posting Compliance (percent compliant)

Entity Name	Total Meetings	Minutes Uploaded to UPNW	Uploaded Within 3 Days After Approval
Dairy Commission	6	0.0%	0.0%
Heber Valley Historic Railroad Authority	7	0.0%	0.0%
Military Installation Development Authority	6	100%	0.0%
School and Institutional Trust Fund	13	100%	38.46%
School and Institutional Trust Lands Administration	13	100%	84.62%
Utah Energy Infrastructure Authority	1	0.0%	N/A ¹⁰
Utah Housing Corporation	7	100%	28.57%
Utah State Fair Corporation	12	100%	0.0%
Utah State Railroad Museum Authority	6	0.0%	0.0%

Source: OSA Analysis

Boards for each of the nine entities should ensure that all board meeting minutes are uploaded within three business days after approval, as required by OPMA.

Boards for the majority of entities reviewed did not fully comply with written minutes documentation requirements. Like the notice requirements, OPMA also requires that “[w]ritten minutes of an open meeting shall include: . . . the date, time, and place of the meeting.”¹¹ While nearly all of the independent state entity boards included the date and place of their board meetings on written minutes, the majority did not include the time on any of their written minutes of board meetings, as required by statute.

Figure 5 shows each board’s compliance rate with OPMA meeting minutes documentation requirements.

¹⁰ The Utah Energy Infrastructure Authority only met once in 2015, and has not met since, not allowing it approve those prior meeting minutes.

¹¹ UT Code 52-4-203(2).

Figure 5 Meeting Minutes Documentation Compliance Rate (percent compliant)

Entity Name	Total Meetings	Date	Time	Location
Dairy Commission	6	100%	0.0%	100%
Heber Valley Historic Railroad Authority	7	100%	0.0%	0.0%
Military Installation Development Authority	6	100%	100%	100%
School and Institutional Trust Fund	13	100%	0.0%	100%
School and Institutional Trust Lands Administration	13	100%	0.0%	100%
Utah Energy Infrastructure Authority	1	100%	100%	100%
Utah Housing Corporation	7	100%	100%	100%
Utah State Fair Corporation	12	100%	0.0%	100%
Utah State Railroad Museum Authority	6	100%	100%	100%

Source: OSA Analysis

Boards for most independent state entities properly documented board member attendance. OPMA requires that written minutes of meetings include “the names of members present and absent.”¹² Without explicit mention of those board members that are absent, it can be difficult for stakeholders and members of the public, who may lack familiarity with a board, to recognize the absence of specific board members’ names in meeting minutes. Figure 6 shows each board’s compliance rate with OPMA meeting minutes attendance documentation requirements.

Figure 6 Meeting Minutes Attendance Documentation Compliance

Entity Name	Total Meetings	Proper Documentation of Attendance
Dairy Commission	6	100%
Heber Valley Historic Railroad Authority	7	100%
Military Installation Development Authority	6	100%
School and Institutional Trust Fund	13	100%
School and Institutional Trust Lands Administration	13	30.77%
Utah Energy Infrastructure Authority	1	100%
Utah Housing Corporation	7	100%
Utah State Fair Corporation	12	81.82%
Utah State Railroad Museum Authority	6	100%

Source: OSA Analysis

¹² See UT Code 52-4-203(2)(b).

Most independent state entity boards did not comply with OPMA's vote recording requirements. OPMA requires each board to include "a record, by individual member, of each vote taken."¹³ The majority of independent state entities did not include an individual record of board members votes on any of their written minutes of board meetings, despite the statutory requirement to do so. Instead these entities recorded board votes as passing "unanimously" or being "approved." A record of a "unanimous" votes could be misleading if the meeting minutes do not contain an accurate record of board members present and absent.

Failure to include each board member's individual vote limits individual member's accountability, and allows for the possibility of unrecorded abstentions or non-votes. Each board should ensure that each board member's individual vote, as well as the overall board vote on each issue, is included in meeting minutes, as required by OPMA. Figure 7 shows each boards' compliance with OPMA voting documentation requirements.

Figure 7 Meeting Minutes Voting Requirements Compliance

Entity Name	Total Meetings	Individual Member Record of Votes
Dairy Commission	6	0.0%
Heber Valley Historic Railroad Authority	7	0.0%
Military Installation Development Authority	6	100%
School and Institutional Trust Fund	13	0.0%
School and Institutional Trust Lands Administration	13	92.31%
Utah Energy Infrastructure Authority	1	N/A
Utah Housing Corporation	7	0.0%
Utah State Fair Corporation	12	0.0%
Utah State Railroad Museum Authority	6	0.0%

Source: OSA Analysis

Six Out Of Nine Boards Did Not Upload Any Recordings Within Required Period

In addition to the written meeting minutes requirements, OPMA requires that meetings be recorded (either by audio or video) and be posted to or linked from the UPNW. These recordings, with limited exception, must "be kept of all open meetings."¹⁴ After holding the open meeting, each body is then required to "within three business days after holding an open meeting, post on the [UPNW] an audio recording of the open meeting, or a link to the recording."¹⁵

¹³ UT Code 52-4-203(2)(d).

¹⁴ UT Code 52-4-203(1).

¹⁵ UT Code 52-4-203(4)(e)(iii).

Six of the nine independent entities did not post recordings of any meetings within three business days, as required by statute. Additionally, four of these entities have not posted any recordings to the UPNW for meetings in 2015. These are the same four entities that have not publicly posted any written meeting minutes, providing stakeholders and the public almost no information regarding the actions of these boards.

Figure 8 shows each boards' compliance rate with the OPMA meeting recording requirements.

Figure 8 Meeting Recordings Requirements Compliance (percent compliant)

Entity Name	Total Meetings	Posted to UPNW	Posted Within 3 Business Days
Dairy Commission	6	0.0%	0.0%
Heber Valley Historic Railroad Authority	7	0.0%	0.0%
Military Installation Development Authority	6	83.33%	0.0%
School and Institutional Trust Fund	13	100%	92.31%
School and Institutional Trust Lands Administration	13	100%	76.92%
Utah Energy Infrastructure Authority	1	0.0%	0.0%
Utah Housing Corporation	7	100%	42.86%
Utah State Fair Corporation	12	83.33%	0.0%
Utah State Railroad Museum Authority	6	0.0%	0.0%

Source: OSA Analysis

Written minutes provide the public with limited detail as to the discussions of each board, as such recordings are an important aspect to provide the public with timely information regarding the actions of each individual board. Each board should ensure that recordings of their meetings are publicly available in adherence to the requirements of OPMA.

Independent State Entities Should Receive Annual OPMA Training

OPMA requires that "[t]he presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter."¹⁶ While multiple independent state entities claimed to follow all of the aspects of OPMA, the board

¹⁶ UT Code 52-4-104.

minutes for most entity boards do not reflect that annual board member OPMA training took place in 2015. Each board chair should ensure that each board member receives annual training on the requirements of OPMA.

Recommendations

1. We recommend that each independent state entity board improve meeting notifications by:
 - a. Notifying the public regarding meetings at least 24 hours in advance.
 - b. Including the date, time, location, and agenda of each meeting in the notification.
 - c. Posting the meeting notice in a statewide publication, on the UPNW, and at the principal office of each independent state entity.
2. We recommend that each independent state entity board include the following in written meeting minutes, as required by the *Open and Public Meetings Act*:
 - a. Meeting date, time, and location.
 - b. Members present and absent.
 - c. The votes of individual board members.
3. We recommend that each independent state entity board upload written meeting minutes to the UPNW within three business days after approval, as required by the *Open and Public Meetings Act*.
4. We recommend that each independent state entity board make a complete, unedited recording of each public meeting, as required by the *Open and Public Meetings Act*.
5. We recommend that each independent state entity board post meeting recordings to the UPNW within three business days of the meeting, as required by the *Open and Public Meetings Act*.
6. We recommend that each board member of an independent state entity receive annual transparency training, as required by the *Open and Public Meetings Act*.
7. We recommend that the Dairy Commission refrain from conducting inaccessible meetings out of state.



Michael E. Christensen
Director

John L. Fellows
General Counsel

NOTICE OF MEETING

Retirement and Independent Entities Interim Committee

The committee chairs have scheduled the following meeting:

DATE: **Wednesday, September 14, 2016**
TIME: **1:00 p.m.**
PLACE: **Room 30 House Building**

If committee members would like to be excused from the meeting, they may call Alex R. Janak or Katie LeFevre at (801) 538-1032.

COMMITTEE MEMBERS

Sen. Todd Weiler, Senate Chair
Rep. Kraig Powell, House Chair

Sen. Curtis S. Bramble
Sen. Gene Davis
Sen. Margaret Dayton
Sen. Karen Mayne
Sen. Daniel W. Thatcher
Rep. Rich Cunningham
Rep. Sophia M. DiCaro

Rep. Susan Duckworth
Rep. Steve Eliason
Rep. Lynn N. Hemingway
Rep. Bradley G. Last
Rep. Marie H. Poulson
Rep. John R. Westwood

STAFF

Alex R. Janak, Policy Analyst
Shannon C. Halverson, Associate General Counsel
Peter Asplund, Associate General Counsel
Katie LeFevre, Legislative Assistant

Utah State Capitol Complex
House Building, Suite W210
PO Box 145210
Salt Lake City, Utah
84114-5210
Phone (801) 538-1032
Fax (801) 538-1712
www.le.utah.gov

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the Office of Legislative Research and General Counsel at (801) 538-1032 or use Relay Utah (toll-free in state 7-1-1 or Spanish-language (888) 346-3162), giving at least 48 hours' notice or the best notice practicable.

Please be aware that the public portions of this meeting will be broadcast on the Internet and that an audio recording of the public meeting, along with any materials presented or distributed to the committee, will be posted on the Legislature's website.

Open and Public Meetings Act

A Summary of Key Provisions for Legislators – April 2016



The Open and Public Meetings Act requires that members of a public body be "provided with annual training on the requirements of [the Open and Public Meetings Act]" (Section 52-4-104). This document is intended to assist legislators in understanding the Open and Public Meetings act in fulfillment of that requirement. This summary is intended for a state legislative audience and does not exhaustively address requirements for other public bodies.

The Open and Public Meetings Act is based on the premise that the state, its agencies, and its political subdivisions exist to conduct the people's business and that a public body should deliberate and take action openly (Section 52-4-102).

Definitions (Section 52-4-103)

Meeting means a convening of a public body or a specified body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power.

Meeting does not include a chance or social gathering, a convening of a public body that has both legislative and executive responsibilities in certain circumstances, or a convening of the State Tax Commission to consider a confidential tax matter.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Specified Body means an administrative, advisory, executive, or legislative body that is not a public body and has at least one member who is a legislator officially appointed by the president of the Senate, the speaker of the House of Representatives, or the governor.

Specified Body does not include a conference committee, rules committee, or sifting committee of the Legislature.

2016 Amendments

S.B. 190 - Open and Public Meetings Law Revisions

Modified definitions to exempt a conference committee, rules committee, or sifting committee of the Legislature from the Open and Public Meetings Act.

Public Notice (Section 52-4-202)

A public body, or specified body meeting at the capitol hill complex, is required to provide public notice at least 24 hours before each meeting. The public notice is required to:

- include the date, time, and place of the meeting;
- include an agenda that lists specific topics to be considered;
- be posted in specified places, including the Utah Public Notice Website; and
- be provided to a newspaper or local media correspondent.

A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

Minutes and Recordings (Section 52-4-203)

- A public body is required to keep written minutes and a recording of all meetings. However, a recording is not required for a site visit if no vote or action is taken by the public body.
- Pending minutes must be made available to the public within 30 days after the meeting and indicate that the public body has not yet approved the minutes.
- Within three business days after holding a public meeting, a recording of an open

meeting must be posted on the Utah Public Notice Website.

- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting are required to be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's primary office.

Closed Meetings (Sections 52-4-204 and 52-4-205)

A public body may only hold a closed meeting for certain reasons, including the discussion of:

- a person's character, competence, or health;
- strategy for collective bargaining;
- pending or imminent litigation;
- an acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- the investigation of criminal conduct;
- the receipt or review of ethics complaints by the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee;
- certain legislative or political subdivision ethics complaint matters; and
- certain deliberations and decision making involved in the procurement process.

A public body may only close a meeting by a two-thirds vote with a quorum present at the open meeting. A public body that closes a meeting is required to announce the reasons for closing the meeting and enter the reasons into the minutes of the open meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

A vote is not required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

Emergency Meetings (Section 52-4-202)

A public body or a specified body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require urgent consideration. However, a public body may not hold an emergency meeting unless it makes an attempt to notify all members of the public body and a majority of its members approve the meeting.

Electronic Meetings (Sections 52-4-207 and 52-4-209 and IR-3-1-105)

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Legislature adopted IR 3-1-105 to govern electronic meetings. That rule states that a legislator may participate in a public meeting from a remote location if:

- The legislator will be more than 50 miles away from the meeting location;
- The legislator requests that the chair allow the legislator to participate from a remote location; and
- The chair obtains permission from the speaker of the House of Representatives and president of the Senate to conduct an electronic meeting.

Penalties (Sections 52-4-302 and 52-4-305)

Open Meetings

Any final action taken in a meeting that is in violation of the Open and Public Meetings Act is voidable by a court.

Closed Meetings

It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions of the Open and Public Meetings Act.